

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT
L. Muhammad
Deputy

STEVEN ENSLEY, et al.

DOUGLAS A LUSSON
STEPHEN L WEBER

v.

FORECAST RESIDENTIAL SALES OF
ARIZONA L P, et al.

JAMES W EVANS

CHRISTOPHER IPPOLITI
EDM-QC-CCC

**TRIAL MINUTE ENTRY
DAY TWELVE**

9:30 a.m. Jury deliberation continues from November 19, 2009.

Counsel waive their appearances.

12:02 p.m. Court reconvenes. Plaintiffs are represented by counsel Stephen L. Weber and Douglas A. Lusson. Defendants are represented by counsel James W. Evans and Christopher Ippoliti.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The jury is all present in the jury box and by their Foreperson return into Court their Verdicts, which are read and recorded by the clerk and are as follows:

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find as follows:

“1. Plaintiffs Robert and Barbara Angulo’s claims against Defendant Forecast:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

A. Geotechnical defects and damages:

1. On the claims for geotechnical defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs Robert and Barbara Angulo
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs' geotechnical damages to be: **\$14,300.**

B. Windows, Sliding Glass Doors and Water Intrusion Defects and Damages:

1. On the claims for windows, sliding glass doors and water intrusion defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs Robert and Barbara Angulo
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs' windows, sliding glass doors and water intrusion damages to be: **\$1,400.**

C. Stucco and Miscellaneous Defects and Damages:

1. On the claims for stucco and miscellaneous defects and damages, we the jury, duly empanelled and sworn in the above caption action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Robert and Barbara Angulo
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs' stucco and miscellaneous damages to be: **\$5,600.**

“Juror #8
“Foreperson.”

The Verdict is unanimous and signed by the foreperson.

The jurors reply that this is their true Verdict.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find as follows:

“2. Plaintiffs Steven and Varetta Ensley’s claims against Defendant Forecast:

A. Geotechnical defects and damages:

1. On the claims for geotechnical defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Steven and Varetta Ensley
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ geotechnical damages to be: **\$19,100.**

B. Windows, Sliding Glass Doors and Water Intrusion Defects and Damages:

1. On the claims for windows, sliding glass doors and water intrusion defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Steven and Varetta Ensley
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ windows, sliding glass doors and water intrusion damages to be: **\$3,080.**

C. Stucco and Miscellaneous Defects and Damages:

1. On the claims for stucco and miscellaneous defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Steven and Varetta Ensley
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ stucco and miscellaneous damages to be: **\$5,600.**

“Juror #8
“Foreperson.”

The Verdict is unanimous and signed by the foreperson.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

The jurors reply that this is their true Verdict.

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find as follows:

“3. Plaintiffs Joseph and Barbara Fimbres’s claims against Defendant Forecast:

A. Geotechnical defects and damages:

1. On the claims for geotechnical defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Joseph and Barbara Fimbres
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ geotechnical damages to be: **\$7,723.**

B. Windows, Sliding Glass Doors and Water Intrusion Defects and Damages:

1. On the claims for windows, sliding glass doors and water intrusion defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Joseph and Barbara Fimbres
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ windows, sliding glass doors and water intrusion damages to be: **\$1,680.**

C. Stucco and Miscellaneous Defects and Damages:

1. On the claims for stucco and miscellaneous defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Joseph and Barbara Fimbres
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ stucco and miscellaneous damages to be: **\$9,240.**

“Juror #8
“Foreperson.”

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

The Verdict is unanimous and signed by the foreperson.

The jurors reply that this is their true Verdict.

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find as follows:

“4. Plaintiffs Francisco and Patricia Gamboa’s claims against Defendant Forecast:

A. Geotechnical defects and damages:

1. On the claims for geotechnical defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Francisco and Patricia Gamboa
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ geotechnical damages to be: **\$15,555.**

B. Windows, Sliding Glass Doors and Water Intrusion Defects and Damages:

1. On the claims for windows, sliding glass doors and water intrusion defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Francisco and Patricia Gamboa
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ windows, sliding glass doors and water intrusion damages to be: **\$1,400.**

C. Stucco and Miscellaneous Defects and Damages:

1. On the claims for stucco and miscellaneous defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Francisco and Patricia Gamboa
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ stucco and miscellaneous damages to be: **\$4,480.**

“Juror #8

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

“Foreperson.”

The Verdict is unanimous and signed by the foreperson.

The jurors reply that this is their true Verdict.

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find as follows:

“5. Plaintiffs Anthony and Priscilla Wayterra’s claims against Defendant Forecast:

A. Geotechnical defects and damages:

1. On the claims for geotechnical defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Anthony and Priscilla Wayterra
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ geotechnical damages to be: **\$7,743.**

B. Windows, Sliding Glass Doors and Water Intrusion Defects and Damages:

1. On the claims for windows, sliding glass doors and water intrusion defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Robert and Barbara Wayterra
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ windows, sliding glass doors and water intrusion damages to be: **\$1,400.**

C. Stucco and Miscellaneous Defects and Damages:

1. On the claims for stucco and miscellaneous defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Anthony and Priscilla Wayterra
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ stucco and miscellaneous damages to be: **\$5,600.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

“Juror #8
“Foreperson.”

The Verdict is unanimous and signed by the foreperson.

The jurors reply that this is their true Verdict.

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find as follows:

“6. Plaintiffs Gilbert and Priscilla Ybarra’s claims against Defendant Forecast:

A. Geotechnical defects and damages:

1. On the claims for geotechnical defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Gilbert and Priscilla Ybarra
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ geotechnical damages to be: **\$11,327.**

B. Windows, Sliding Glass Doors and Water Intrusion Defects and Damages:

1. On the claims for windows, sliding glass doors and water intrusion defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Gilbert and Priscilla Ybarra
 Defendant Forecast

If you find in favor of Plaintiffs:

2. We find Plaintiffs’ windows, sliding glass doors and water intrusion damages to be: **\$1,680.**

C. Stucco and Miscellaneous Defects and Damages:

1. On the claims for stucco and miscellaneous defects and damages, we the jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of (*check one*):

 X Plaintiffs, Gilbert and Priscilla Ybarra
 Defendant Forecast

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

If you find in favor of Plaintiffs:

2. We find Plaintiffs' stucco and miscellaneous damages to be: **\$5,600.**

“(1) Juror #1.

“(2) Juror #9.

“(3) Juror #3.

“(4) Juror #2.

“(5) Juror #5.

“(6) Juror #7.

“Juror #8

“Foreperson.”

The jurors reply that this is their true Verdict.

Pursuant to counsel's request, the jury is not polled.

12:13 p.m. The jury is thanked by the Court and excused from further consideration of this cause.

IT IS ORDERED Plaintiffs shall submit the appropriate form of Judgment in accordance with today's proceeding, approved as to form, on or before **December 11, 2009.**

IT IS ORDERED approving and settling the formal written Judgment for Jury Fees in the amount of **\$2,144.34** against Defendants Forecast Residential Sales of Arizona L.P., Forecast Homes Inc., and The Forecast Group L.P., jointly and severally, signed by the Court and filed by the Clerk November 20, 2009.

12:15 p.m. Trial concludes.

EXHIBITS RELEASED

IT IS ORDERED that the clerk permanently release the following exhibits used in this proceeding to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

Plaintiffs' 11, 14, 15, 17-28, 30, 33, 35, 36, 37, 38, 40, 43-48, 53-57, 62-72, 74-77, 79, 80, 83, 84, 92-103, 105-118, 131, 133-141, 143, 151, 153-158, 160-163, 165-170, 173, 175, 176, 178-183, 185-195, 197, 199, 200, 201, 203-206, 209, 217-230, 232-235, and 238-261.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-023466

11/20/2009

Defendants' 262-270, 277, 279-285, and 292-301.

Let the record reflect that respective counsel previously took immediate possession of the above released exhibits on November 18, 2009.

ISSUED: Exhibit Release Forms (2).

FILED: ETS Worksheet.

FILED: Trial Worksheet.

FILED: Final Jury Instructions.

FILED: Verdicts (6).

IT IS ORDERED directing the Clerk of Court to correct the minute entry dated November 17, 2009 to reflect DAY **NINE**, not EIGHT.